

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JACK GARDNER, <i>et al.</i> ,	:	Case No. 3:20-cv-147
	:	
Plaintiffs,	:	
	:	
vs.	:	District Judge Michael J. Newman
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
LIBERTY INSURANCE CORPORATION,	:	
	:	
Defendant.	:	
	:	

ORDER

The parties came before the Court on September 22, 2021 for a hearing regarding Plaintiffs' Motion to Compel Appraisal of the Amount of Loss and Appoint Umpire (Doc. #21) and Plaintiffs' Motion to Compel Discovery (Doc. #36).

Plaintiffs' Motion to Compel Appraisal of the Amount of Loss and Appoint Umpire (Doc. #21) is hereby **GRANTED** for the reasons set forth at the hearing. The Court **ORDERS** that the parties follow the procedure for appraisal as described in their policy. *See* Doc. #21, *PageID* #s 214-15. Specifically, each party shall choose a competent appraiser within twenty days. The two appraisers will select an umpire. If they cannot agree upon an umpire within fifteen days, either party may request the choice be made by a judge of a court of record in the state where the "residence premises" is located. The appraisers will separately set the amount of loss. If the appraisers submit a written report of an agreement, the amount agreed upon shall be the amount of loss. If they fail to agree, they will submit their differences to the umpire. A decision agreed to by any two will set the amount of loss. Each party will: (a) pay its own appraiser, and (2) bear the other expenses of the appraisal and umpire equally.

Furthermore, the Court, having heard oral argument on the merits of Plaintiffs' Motion to Compel Discovery (Doc. #36), hereby **ORDERS** that all documents at issue be produced unredacted in chambers for an *in camera* review within twenty-one days of this Order. Additionally, Defendant must file the privilege log and pleading identifying the assertion of privilege with specificity. Failure to explain and delineate each privilege claimed will constitute a waiver of such privilege. Plaintiffs shall respond within fourteen days.

IT IS SO ORDERED.

September 22, 2021

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.
United States Magistrate Judge